

REMARKS

Applicant would like to thank the Examiner for granting the telephone interview conducted on December 11, 2003.

Claims 1-3, 5-14 and 16-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,359,992 to Preves et al. (hereinafter "Preves"). As discussed during the telephone interview, claim 1 has been amended for clarification by replacing the word "set" with "controlled." During the interview, the Examiner acknowledged that, based on this amendment, claim 1 is clearly distinguished from Preves. A detailed explanation is provided below.

With respect to amended claim 1, Preves does not teach that *a threshold value is controlled as a function of the level of the input signal*, as required. This limitation of claim 1 requires that a change in the level of the input signal results in a change in the threshold value. In Preves, there are two adjustable thresholds, a rectifier threshold and a comparator threshold. The rectifier threshold can be varied by adjusting the value of a first variable resistor (54) connected in series with a capacitor (56) located between a microphone (28) and a preamplifier/rectifier (see column 5, lines 31-43). The comparator threshold is determined by a voltage divider consisting of a second variable resistor (66) and a non-variable resistor (68). The comparator threshold can be varied by adjusting the value of the second variable resistor (66) (see column 5, lines 19-21 and 56-63). Thus, neither of the adjustable thresholds taught by Preves are controlled as a function of the input signal. Rather, they are each controlled manually by adjusting the value of a resistor.

Since every limitation of the claim is not taught by the cited reference, claim 1 is patentable over Preves. Likewise, since each of claims 2, 3, 5-14 and 16-20 depends from claim 1, they are patentable over Preves for the same reasons.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being obvious over Preves. Since claims 4 and 15 depend from claim 1, they are patentable for the reasons explained above. There is

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nothing Preves that suggests modifying its teachings to include the missing limitations.

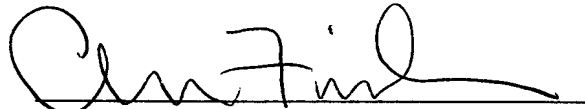
Claims 4 and 15 have been amended to correct an error in the previously presented listing of claims. In the equation included in each of claims 4 and 15, the letter "I" on the right side of the "=" has been replaced with the number "1" as originally presented.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33868.

Respectfully submitted,

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